IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14983 of 2004

Between:

S. Appa Rao, S/o. Koteswara Rao,

Permanent Fair Price Shop Dealer,
R/o. Gangannapalem Village, Chilakaluripeta Mandal,

Guntur District.

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.
3 The Mandal Revenue Officer, Chilakaluripet, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in not passing any orders in the appeal filed by the petitioner against the order of the 2nd respondent in his Proceedings RC. 1232/04-B, dated 7-8-2004, as illegal, arbitrary and unconstitutional and consequently to suspend the order of the 2nd respondent made in RC. 1232/04-B, dated 7-8-2004, pending disposal of the enquiry before him.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

Aggrieved by the order of the Revenue Divisional Officer, Narasaraopeta, dated 07-08-2004, suspending the authorization of the petitioner pending enquiry into the alleged irregularities in distribution of commodities this writ petition is filed.

Since admittedly the petitioner has already availed the statutory remedy of appeal and the same is pending before the 1st respondent-Joint Collector, Guntur, I am not inclined to go into the merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the appeal and pass appropriate orders in accordance with law. However, the learned counsel for the petitioner states that the 1st respondent has failed to pass any orders even on his application for stay and in the meanwhile the respondents are not allowing the petitioner to distribute the commodities.

In the circumstances, there shall be a direction to the 1st respondent to dispose of the application for stay in the Appeal filed against the order of the 2nd respondent dated 07-08-2004 as expeditiously as possible preferably within a period of one week from the date of receipt of this order. Till the application for stay is disposed of, the order of suspension dated 07-08-2004 shall not be given effect to.

Writ Petition is disposed of accordingly. No costs.

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24-08-2004

vs

To

1 The Joint Collector, Guntur, Guntur District.
2 The Revenue Divisional Officer, Narasaraopeta, Guntur District.
3 The Mandal Revenue Officer, Chilakaluripet, Guntur District.

4 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

5 Two CD copies.

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THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14983 of 2004

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Dated: 24-08-2004